

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haeefe, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

**VIA ECF**

April 19, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge  
United States District Court for the S.D.N.Y.  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees and counsel for the *Ashton* Plaintiffs ("Plaintiffs") write concerning Plaintiffs' filings today in surreply to Saudi Arabia's Renewed Motion to Dismiss. Plaintiffs have filed most all the filings under seal, pursuant to the Court's umbrella protective order (ECF No. 1900) and the Privacy Act Order and Protective Order for FBI Documents (ECF No. 4255). Plaintiffs anticipate that, consistent with the existing approach in this MDL, the parties will promptly meet and confer to propose revised versions of the under-seal filings for the public docket.

Plaintiffs' filings today, in connection with Plaintiffs' surreply to Saudi Arabia's motion to dismiss (with the under-seal filings delineated) are:

- (1) Plaintiffs' Authorized Surreply Memorandum of Law in Opposition to the Renewed Motion to Dismiss of the Kingdom of Saudi Arabia [ECF No. 9368], **ECF No. 9706 (Under Seal)**;
- (2) [First] Declaration of Robert T. Haeefe Transmitting Documents in Further Support of Plaintiffs' April 19, 2024 Surreply in Opposition to the Kingdom of Saudi Arabia's Renewed Motion to Dismiss and in Response to ECF Nos. 9610 & 9611, **ECF No. 9708 (Under Seal)**, including the following exhibits:<sup>1</sup>
  - a. Exhibit 696, Plaintiffs' Response to Saudi Arabia's Evidentiary Objections to Exhibits Cited in Plaintiffs' Opposition and Averment (KSA Ex. 161);
  - b. Exhibit 697, Plaintiffs' Response to Saudi Arabia's Evidentiary Objections to Documents (purportedly) Not Cited by Plaintiffs (KSA Ex. 162A);
  - c. Exhibit 698, A chart of Plaintiffs' exhibits to which Saudi Arabia has not lodged an evidentiary objection and to which Saudi Arabia contends were properly cited in Plaintiffs' motion papers. This chart together with Saudi Arabia's Exhibit 162B

<sup>1</sup> The numbering of the exhibits start with Exhibit 696, which is the number after the last exhibit in the Declaration of James Gavin Simpson, Esq., dated January 17, 2024, ECF No. 9543.

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represent Plaintiffs' exhibits to which Saudi Arabia has not lodged an evidentiary objection;

- d. Exhibit 699, Plaintiffs' Evidentiary Objections to Exhibits Filed by Saudi Arabia;
  - e. Exhibit 700, Plaintiffs' Response to Saudi Arabia's Exhibit 160, which is Saudi Arabia's Response to Plaintiffs' Corrected Averment of Facts and Evidence in Support of Their Claims Against the Kingdom of Saudi Arabia and Dallah Avco;
  - f. Exhibit 700A, Table of Contents to ECF No. 9541-1, Plaintiffs' Averment of Facts and Evidence in support of Their Claims Against the Kingdom of Saudi Arabia and Dallah Avco In Response to ECF Nos. 9362 and 9368; and
  - g. Exhibits 711A, B, C and D, Business Record and Public Record Certifications from the FBI, State Department, and CIA;
- (3) Declaration of James Gavin Simpson, transmitting documents responding to Saudi Arabia's Reply and supporting Plaintiffs' Exhibit 700 (Exhibits to the Simpson Declaration are being filed with the Court today on a USB-enabled hard-drive, and will be provided to counsel for Defendants by means of an electronic Sharefile);
- (4) [Second] Declaration of Robert T. Haeefe, **ECF No. 9707 (Under Seal)**, with exhibits, and
- (5) Plaintiffs' letter to the Court **ECF No. 9709**, pursuant to ECF No. 9026, identifying evidentiary issues, and requesting that, to the extent the Court assesses that any admissibility objections or challenges are material to the Court's analysis of jurisdiction, the Court grant Plaintiffs an opportunity for evidentiary briefing as to such objections.

Respectfully submitted,

MOTLEY RICE LLC

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cc: The Honorable George B. Daniels, via ECF  
All Counsel of Record via ECF